

## NOTICE OF RULEMAKING HEARING

Department of Commerce and Insurance  
Tennessee State Board of Architectural and  
Engineering Examiners

There will be a hearing before the Tennessee State Board of Architectural and Engineering Examiners to consider the promulgation of rules and amendments to rules pursuant to Tenn. Code Ann. § 62-2-203(c). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in Room 160 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. CST on February 19, 2004.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Verna Norris, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this Notice of Rulemaking Hearing, contact the State Board of Architectural and Engineering Examiners, attention Barbara Bowling, Tennessee State Board of Architectural and Engineering Examiners, 500 James Robertson Parkway, 3rd Floor, Nashville, Tennessee 37243 at (615) 741-3221.

### Substance of Proposed Rules

Chapter 0120-1  
Registration Requirements and Procedures

### Amendments

Paragraph (3) of rule 0120-1-.05  
Applications - Engineer is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (3) The deadline for receipt of applications from candidates who must be examined prior to registration as an engineer shall be determined annually by the Board after the Board receives notification from the NCEES of the dates of the examinations.

Authority: Tenn. Code Ann. § 62-2-203(c).

Paragraph (2) of rule 0120-1-.14  
Examinations - Engineer, Engineer Intern is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (2) The passing grade on both the "Fundamentals of Engineering" and "Principles and Practice of Engineering" examinations shall be seventy (70).

Authority: Tenn. Code Ann. § 62-2-203(c).

Subparagraph (a) of paragraph (4) of rule 0120-1-.25 Renewal of Registration is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (a) A registered certificate holder (over age 62) may place his certificate, if in good standing, in retirement status during the biennial license renewal cycle by filing a form designated by the Board. No fee shall be required. Such registrant shall renew his certificate by so notifying the Board.

Authority: Tenn. Code Ann. §§ 62-2-203(c) and 62-2-307(f).

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### 2004 SCHEDULE OF BOARD MEETINGS

JANUARY 22-23 .....	Quarterly Meeting
FEBRUARY 19-20 .....	Hearings/Conferences
MARCH 18-19 .....	Hearings/Conferences
APRIL 22-23 .....	Quarterly Meeting and Open Forum (TBA)
MAY 20-21 .....	Hearings/Conferences
JULY 22-23 .....	Quarterly Meeting
AUGUST 19-20 .....	Hearings/Conferences
SEPTEMBER 16-17 .....	Retreat & Quarterly Meeting (TBA)
NOVEMBER 18-19 .....	Hearings/Conferences

Unless otherwise indicated, all meetings are held in Nashville, Tennessee, in the Davy Crockett Tower, 500 James Robertson Parkway. Please contact the Board office at 615-741-3221 or at 800-256-5758 to verify times and locations, as the meeting schedule is subject to change.

# Barbara's Corner

by Barbara Bowling,  
Executive Director  
barbara.bowling@state.tn.us

On October 29, 2003, the Board's new website was launched. If you were familiar with our old site, you will find that our website was given a "new look" and a "new address"—  
[www.state.tn.us/commerce/boards/ae/index.html](http://www.state.tn.us/commerce/boards/ae/index.html). In addition to being more user-friendly, it will enable us to provide more information that may be of interest to you and your professional practice. We hope you will take a moment to check out our new site, and let us know if there are particular issues or items you would like us to consider for the site.

One question received quite frequently deals with the grace period. Just what is this grace period? The grace period is the six-month period following the expiration date of one's certificate of registration during which a registrant can renew his or her registration without having to reapply. The requirements for renewal of registration are: payment of the registration renewal fee (active and inactive status) and meeting the continuing education requirements if you are on active status. If the renewal fee is not paid prior to the expiration of your certificate of registration, you are subject to a \$10 late fee for each month or fraction of a month that elapses before payment is tendered. The regular registration renewal fee of \$140 could quickly add up to \$200 if the renewal fee is not paid until the sixth month of the grace period. If you are using the grace period to pay the renewal fee and/or meet the continuing education requirements, remember that you cannot practice or offer to practice your profession until your active certificate of registration has been renewed. What does this mean? For starters, you cannot publicly represent yourself as being an architect, engineer, landscape architect, or registered interior designer; only active and retired registrants holding valid registration can do this. Additionally, you cannot solicit professional services for new projects and cannot practice on existing projects such as plan preparation,

sealing plans, etc. If your registration has expired, it is considered the same as not being registered.

The Board plans to hold a rulemaking hearing on February 19, 2004 to make housekeeping amendments to our administrative rules. These changes include:

#### Engineer/Engineer Interns:

- Allows the Board to set annually the application deadlines for registration by examination for engineers; this would enable the Board to have more flexibility in setting the application deadlines to facilitate processing and review of the applications by the Engineer Committee and to meet NCEES scheduling deadlines.
- Deletes the "regrade" provision for engineering exams from the existing rules; this option is no longer available for NCEES exams.

#### All registrants:

- Changes the age for retired status from age 65 to 62.
- Continuing Education:
  - Clarifies that a majority of PDH's in health, safety, and welfare or technical competency must be at least 13 hours.
  - Clarifies that while continuing education is not required for initial registration, it is required for each registration renewal period thereafter for those renewing active status.
  - Clarifies that those reapplying for registration must have a minimum of 24 PDH's for the two years prior to submittal of the reapplication for registration, with at least 13 PDH's in health, safety, and welfare issues or technical competency.
  - Adds the word "structured" to "seminars, tutorials, short courses, correspondence courses, televised courses or videotaped courses," and adds "Internet courses" to the types of acceptable courses.

- Adds the word "educational" to "in-house programs sponsored by corporations or other organizations."
- Clarifies the types of records that should be retained for submittal in relation to continuing education audits.

We hope you will review the changes identified in the rulemaking hearing notice, and let us know of any comments you may have regarding the proposed amendments to our administrative rules.

## New Board Member

Sharon Chesney Byrd (Knoxville, Tennessee) was recently appointed as the Board's public member and will serve until June 30, 2007. She is a licensed real estate broker and residential contractor, developer, and the owner of Chesney Byrd Properties. Ms. Byrd is also a member of the National Real Estate Association and the National Home Builders Association, and she is a former Knox County property assessor (two terms) and appraiser for roads and bridges for the Tennessee Department of Transportation.

## Reappointed Board Member

Philip K. S. Lim, PE (Cordova, Tennessee), was recently reappointed for a second four-year term as an associate engineer member of the Board representing West Tennessee and will serve until June 30, 2007. He is an electrical engineer with Memphis Light, Gas, and Water, and is the chairman of the Institute of Electrical and Electronics Engineers Tennessee Council. Mr. Lim is also a member of the National Fire Protection Association, the Memphis Joint Engineers Council, and the Memphis/Shelby County Joint Electrical Board. In addition, Mr. Lim serves as an adjunct professor at the University of Memphis Electrical Engineering Department.



# Information On Examinations



The Board would appreciate your sharing information about these professional examinations with interns in your office.

## ARCHITECTURE

Future information about the ARE and free practice software are available at the National Council of Architectural Registration Boards' (NCARB's) web site: [www.ncarb.org](http://www.ncarb.org). Be sure to read the article on future exam changes in this issue.

### Exam Results (5/14/03-11/18/03)

	Total	Pass
Bldg. Planning	14	9
Bldg. Technology	15	7
Constr. Doc. & Svcs	20	17
Gen. Structures	18	10
Lateral Forces	15	13
Mat. & Meth.	12	12
Mech. & Elec.	18	15
Pre-Design	13	12
Site Planning	14	9

## ENGINEERING

Beginning in October 2003, the National Council of Examiners for Engineering and Surveying (NCEES) assumed responsibility for administering and proctoring the engineering examinations in Tennessee. As a result, the Fundamentals of Engineering application deadlines have been adjusted to better accommodate NCEES scheduling deadlines.

- Fundamentals of Engineering Examination-

### Application Deadlines:

	Seniors*	Non-seniors**
Spring Exam	January 15	January 1
Fall Exam	September 1	August 1

\*Engineering students with senior status in the engineering curriculum.

\*\*Those who have already been awarded an undergraduate degree in engineering.

The FE exam is currently administered in Chattanooga, Cookeville, Franklin, Knoxville, Martin, and Memphis on:

April 17, 2004  
October 30, 2004

- Principles and Practice of Engineering Examinations—

The application deadline for new applicants for the spring Principles and Practice of Engineering (P&P) exam is December 1. The fall deadline is July 1. Exam applicants must have the required years of experience prior to filing the application. New exam applicants must submit all required supporting documentation by January 1 for the spring exam and by August 1 for the fall exam to ensure that their applications are processed prior to the exam-scheduling deadline. The exam will be given in Franklin, Knoxville, and Memphis on:

April 16, 2004  
October 29, 2004

To facilitate scheduling of the P&P exams, retake requests and fees should be received by the board office by February 1 for the spring exam and September 1 for the fall exam. Registrants wishing to take other exam disciplines must submit a written request to the Board with the exam fee by the above deadlines. The examination fee is currently \$100, and the retake fee is \$175. Exam fees will increase \$30 in October 2004. The Structural II exam fee is \$475. Those wishing to take the Structural II exam must already be registered either by taking the Civil or Structural I exams as the basis for registration.

### April 2004 Exam Changes

- The FE reference handbook has been changed to a new 6th edition. It is available at the National Council of Examiners for Engineering and Surveying (NCEES) website: [www.ncees.org](http://www.ncees.org).
- The format for the Structural II exam has been changed. The new exam will contain four problems and they will be scored as a composite. There will be four problems covering bridges and four problems covering buildings. An examinee that answers bridge problems in the morning will be required to answer bridge problems in the afternoon. An examinee that answers building problems in the morning will be required to answer building problems in the afternoon. Examinees will be required to pass the total exam in a single administration, and will no

longer be able to pass the morning and afternoon portions separately. Examination specifications for the new format are available at the NCEES website.

- The Structural Design Standards and the Transportation Design Standards of the Civil Principles and Practice (PE) examinations, as well as the specifications for the Structural I exam, will change. The new standards and specifications will be posted on the NCEES website in November 2003.
- New exam security measures have been adopted by NCEES regarding calculators; for more information, read the article regarding exam security in this issue.

### October 2004 Exam Changes

- The Principles and Practice (PE) examinations in Environmental and Fire Protection Engineering will be under revised specifications. The new specifications will be posted on the NCEES website in November 2003 for the Fire Protection exam and April 2004 for the Environmental exam.

**Study Materials Available from NCEES**  
The NCEES has study material for the Fundamentals of Engineering, Principles and Practice of Engineering, Structural I and II examinations. Available materials include the FE reference handbook, sample questions and solutions, and practice problems (on CD-ROM). Study materials may be ordered from the NCEES website.

Exam Results	(4/03)		(10/03)	
	Total	Pass	Total	Pass
FE	496	344	405	243
P&P	192	101	196	85

## LANDSCAPE ARCHITECTURE

The Landscape Architect Registration Exam (LARE) will be given in Nashville on:

June 14-16, 2004  
December 6-7, 2004

The application deadline for new applicants is January 15 of each year.

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## FIRE PROTECTION SYSTEM DESIGN UPDATE

The new standard of care guidelines, which became effective April 1, 2003, continue to receive a lot of interest from our registrants, local government officials, and others who are providers and stakeholders in the process. The guidelines are intended to represent the minimum level of engineering design the Board expects our registrants, competent in that area of design, to provide on those projects that require plans and specifications to be submitted by registered design professionals.

During the discussion of this issue, many comments have arisen as to just why engineers should be involved in the process. Well, first of all, the design of fire protection systems (as well as other building systems) is considered to be the practice of engineering, and should be done by qualified registrants who are competent in that area of design based on education or experience. Transferring this area of design to non-registrants is in violation of the registration law and the Rules of Professional Conduct. Secondly, engineers need to be involved in the design process so that the following issues can be taken into consideration in the design of the system:

- The architectural layout of the project, and its variation from typical building construction which may result in unique fire exposure conditions for the structure.
- The structural system of the building, focusing on any unique structural features.
- The occupancy of the building and any unique fire loading conditions that may lead to unique demands on the structure.
- The overall importance of the structure, with respect to special occupancies, size or height, or other features which, after exceeding a threshold value, may dictate special attention to structural fire protection.

Because the design of the system impacts public safety, plans and specifications should be prepared by an engineer who is qualified to:

- Consider the broad range of hazards and protection schemes required to develop a workable, integrated solution to a fire safety problem. A specific fire protection system is only part of the solution.

- Develop design concepts for fire protection systems.
- Develop performance criteria upon which contractors base their bids, which includes not only determining applicable codes and standards but also preparing: conceptual or detailed engineering documents, hazard analyses, performance-based options, and future project considerations.
- Lay out automatic sprinkler, fire alarm, and special hazard systems for which he/she has the education and experience.
- Lay out fire protection systems, affixing his/her seal only to documents prepared under his/her direct supervision and control/responsible charge.

Placing notes on plans, such as "This building shall be sprinklered according to NFPA 13," or "To be fully sprinklered," or providing limited specifications does not absolve the registrant from liability for that design (or lack thereof).

Listed below are the most frequently asked questions (along with the answers) we have received regarding the standard of care guidelines:

**Who is responsible for providing the design of the fire protection system?** A registrant of the Board of Architectural and Engineering Examiners who is competent in that area of design based on education or experience.

**Do the guidelines apply only to those plans and specifications that are to be submitted to the State Fire Marshal's Office for review?** No. It is the Board's expectation that the standard of care guidelines be utilized on all building projects requiring plans and specifications to be prepared by registered architects or engineers. It should not make any difference who the reviewing authority is.

**When should the design of the fire protection system be provided?** Plans and specifications for the fire protection system should be coordinated and submitted in conjunction with the other plans and specifications for the building project—architectural, landscape, civil, structural, electrical, and mechanical systems. The design of the fire protection system should not be considered an "afterthought" and planned for by "specifications" only; it should be carefully thought out and planned for in

advance as part of the overall building and site design. All of the engineered systems within the building must work together (or at least coexist) for the design to be a success. Additionally, if special needs have been identified related to the design of the system, it is much easier to take care of these special needs during the design phase than afterwards—for example, if a fire pump is needed, special provisions need to be made to accommodate it as part of the overall building design. The Board has been advised of instances where a fire pump was required as part of the system's components and there were no provisions made for it by the architect of record in the design and layout of the building. A separate building or an addition to the building being constructed had to be designed and approved during the construction phase to accommodate the need for a fire pump, creating costly change orders.

I have been asked to review a set of drawings prepared by the fire sprinkler contractor, but there is no engineer of record nor are there engineering plans to review them against. What should I do in situation like this? Plans prepared by the fire sprinkler contractor's responsible managing employee for the installation of the system should not be substituted for the engineering design intent. It is essential that a registrant of the Board (generally an engineer), competent by education or experience, prepare the design plans and specifications in advance for the particular project and then review the shop drawings prepared by the fire sprinkler contractor to ensure they are in overall compliance with his/her design intent. When an engineer was not involved during the design phase, an engineer should be retained as soon as possible to provide the design intent for the system prior to shop drawings being prepared for installation of the system.

**Why is it essential for the engineer of record to review the shop drawings?** There is no difference between these shop drawings and any other shop drawings reviewed by engineers for other building system components. It is essential that the engineer of record for the system review the shop drawings (including the calculations) to ensure that the drawings comply with the overall design intent for the system. The overall purpose for both the design intent and installation shop drawings based on the design

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# Disciplinary Action Taken By The Board

## FORMAL ACTIONS:

*Ed Cagle, Non-registrant  
Chattanooga, Tennessee*

**VIOLATION:** Unlicensed practice of engineering. T. C. A. §§62-2-102 and 62-2-105.

**PENALTY:** \$500 civil penalty.

**FINAL ORDER:** July 17, 2003

*Ronald R. Corum, Non-registrant  
Knoxville, Tennessee*

**VIOLATION:** Practiced engineering on an expired certificate of registration. T.C.A. §§62-2-101, 62-2-105, and 62-2-306.

**PENALTY:** \$250 civil penalty.

**CONSENT ORDER:** November 20, 2003

*J. Scott Ellington, Non-registrant  
Indian Trail, North Carolina*

**VIOLATION:** Unlicensed practice of engineering. T. C. A. §§62-2-102 and 62-2-105.

**PENALTY:** \$750 civil penalty.

**FINAL ORDER:** November 20, 2003

*John A. Gunn, PE #23336  
Montgomery, Alabama*

**VIOLATION:** Practiced engineering while on inactive status. T. C. A. §§62-2-101, 62-2-105, and 62-2-306(b).

**PENALTY:** \$500 civil penalty; take and pass the Board's law and rules exam.

**FINAL ORDER:** September 19, 2003.

*M. L. Johnson And Company, Inc.,  
Non-Registrant  
St. Louis, Missouri*

**VIOLATION:** Unlicensed practice of engineering. T. C. A. §§62-2-102 and 62-2-105.

**PENALTY:** \$1,500 civil penalty.

**FINAL ORDER:** July 17, 2003

*Richard J. Lombardi, Non-Registrant  
Chagrin Falls, Ohio*

**VIOLATION:** Practiced engineering on expired certificate of registration. T. C. A. §§62-2-101, 62-2-105, and 62-2-306.

**PENALTY:** \$1,600 civil penalty.

**FINAL ORDER:** November 20, 2003

*Earl McKinney, PE #12023  
Lexington, Kentucky*

**VIOLATION:** Misconduct; registration suspended by another jurisdiction. T. C. A. §62-2-308 (a) (1) (F) and Rule 0120-2-.07 (5) (b) of the Rules of the Board of Architectural and Engineering Examiners.

**PENALTY:** Two-year suspension of registration that will be stayed with two year probation; take and pass the Board's law and rules exam.

**FINAL ORDER:** September 19, 2003

*Wayne T. Peterson, Non-registrant  
Durham, North Carolina*

**VIOLATION:** Unlicensed practice of engineering. T. C. A. §§62-2-102 and 62-2-105.

**PENALTY:** \$1,200 civil penalty.

**FINAL ORDER:** July 17, 2003

*Harold I. Place, R. A. #20363  
(Inactive Status)  
Dunwoody, Georgia*

**VIOLATION:** Misconduct, felony conviction. T. C. A. §62-2-308(a)(1)(e) and Rules of the Board 0120-20-07(5)(a).

**PENALTY:** Revocation of certificate of registration.

**FINAL ORDER:** July 17, 2003

*Saveh Engineering and Construction  
Company, Non-registrant  
Brownsville, Tennessee*

**VIOLATION:** Unlicensed practice of architecture and engineering. T. C. A. §§62-2-101 and 62-2-105.

**PENALTY:** \$2,000 civil penalty; cease and desist practice of engineering.

**FINAL ORDER:** September 19, 2003

*James C. Stewart, Non-registrant  
Norcross, Georgia*

**VIOLATION:** Unlicensed practice of architecture and impersonation of another design professional. T.C.A. §§62-2-101 and 62-2-105.

**PENALTY:** \$6,000 civil penalty.

**FINAL ORDER:** July 17, 2003

## INFORMAL CONFERENCES:

The following informal conferences were held on July 17, 2003, and September 19, 2003:

**ALLEGATION:** Consumer complaints alleged that a registered engineer was not completing or had not completed professional services that had been contracted for related to structural and foundation issues on single family residences, and requests for written professional reports were not submitted.

**DECISION:** Assurances from engineer that he will respond in a more timely fashion to his clients and that he will contact the consumers in question to resolve their complaint. He was requested to copy the Board in the letter to the consumer advising that the Board had requested that he contact them in an effort to resolve the complaint.

**ALLEGATION:** A company was offering conceptual architectural plans (similar to house plans) for small churches (occupancy of 300 or less) via the Internet, catalogs, and mailings. The owner of the company, who is not an architect, would serve as the coordinator between the designer and the congregation in which he would meet with church officials, discuss changes to the conceptual drawings sought by the church, and then relay the information to an architect registered in the state in which the church is to be built. The church would be responsible for: employing registered engineers, if required (although it was implied on the company's website that engineering

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## Fire Protection Update...cont.

*intent is to provide a reasonable level of assurance that the system will work if needed.*

At the recent NCEES Annual Meeting, the Western Zone presented the following resolution for consideration by the Council:

Whereas, There is an ongoing national controversy regarding the requirement for professional engineers' involvement in the design of fire protection systems; and

Whereas, The NCEES Model Law states the following: "Regulation of Engineers and Surveyors or Land Surveyors-In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering and/or the practice of land surveying in this jurisdiction is hereby declared to be subject to regulation in the public interest—"; and

Whereas, The NCEES Model Law defines the practice of engineering as "...any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical and engineering services to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, the use of land, air, and water, teaching of advanced engineering subjects, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications: any of which embraces such services or work, either public or private, in connection with any utilities, structures, building, machines, equipment, processes, work systems, projects, communication systems,

transportation systems, and industrial or consumer products, or equipment of a control systems, communication, mechanical, electrical, hydraulic, pneumatic, chemical, environmental, or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services "; and

Whereas, The Western Zone knows of few aspects of a building project which might impact life, health, property, and the public welfare as directly as the design of fire alarm and fire sprinkler systems, and it is the Western Zone's opinion that the design of these systems clearly involves the practice of engineering as defined in the NCEES Model Law; and

Whereas, Building officials and other fire protection authorities in the Western Zone and in other jurisdictions have developed rules to bypass these engineering law requirements, thus placing the public at risk and in danger; therefore, be it

Resolved, The President of NCEES appoint a task force or charge a standing committee to study and develop a national position and/or policy that will provide a method to prevent the obvious bypassing of the engineering registration laws by building officials and other fire protection authorities regarding fire alarm and fire sprinkler systems.

The above resolution passed, and a special NCEES task force has been formed to address these issues. One of our Board members, Ted Wynne, P. E., has been appointed by the President of the NCEES to serve on the task force.

## Examinations...cont.

Exam fees are as follows:

	June 2004	December 2004
Section A	\$65	\$65
Section B	\$105	\$105
Section C	\$215	\$235
Section D	\$170	\$170
Section E	\$215	\$235

Exam Results	(6/03)	
	Total	Pass
Section A	8	7
Section B	5	4
Section C	11	3
Section D	7	5
Section E	10	1

Unofficial exam scores are now available at the Council of Landscape Architectural Registration Boards' (CLARB's) web site: [www.clarb.org](http://www.clarb.org).

## INTERIOR DESIGN

The Interior Design Qualification exam will be given on:

April 16-17, 2004  
October 1-2, 2004

To request an application for the exam, call the National Council for Interior Design Qualification (NCIDQ) at 202-721-0220. The application deadline for the spring exam is December 1; the deadline for the fall exam is June 1. More information is available at NCIDQ's web site: [www.ncidq.org](http://www.ncidq.org).

Exam Results  
4/03 21 examinees

	Total	Pass
Section I	17	15
Section II	10	8
Section III	13	9

*structural elements within the interior spaces of buildings.*

### QUESTION:

Are interior designers licensed by the State to "practice" interior design?

### ANSWER:

No. Registered Interior Designers and Architects are licensed to use the title "registered interior designer." Nonregistrants may not use the title "registered interior designer."

## FREQUENTLY ASKED QUESTIONS

### QUESTION:

Do registered interior designers have to seal any documents prepared by them?

### ANSWER:

No. The registration law passed by the State of Tennessee in 1993 is a "title" act requiring that any interior designer who calls himself or herself a registered interior

designer must be registered by the Board. The law is not a "practice" act; therefore, interior designers are allowed to do no more and no less than before the legislation was passed. A registered interior designer may provide plans and specifications in connection with reflected ceiling plans, space utilization not affecting life safety, furnishings, or the fabrication of non-



## Rulemaking Hearing...*cont.*

### Chapter 0120-5 Continuing Education

#### Amendments

Paragraph (2) of rule 0120-5-.04 Basic Requirements is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter must, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDH's the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDH's claimed should address health, safety and welfare issues and technical competency.

Authority: Tenn. Code Ann. § 62-2-203(d).

Paragraph (3) of rule 0120-5-.04 Basic Requirements is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

Authority: Tenn. Code Ann. § 62-2-203(d).

Rule 0120-5-.04 Basic Requirements is amended by adding the following language as a new paragraph (4) immediately following existing paragraph (3):

- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDH's (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

Authority: Tenn. Code Ann. § 62-2-203(d).

Subparagraph (c) of paragraph (2) of rule 0120-5-.06 Types of Acceptable Continuing Education is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (c) Attendance at structured seminars, tutorials, short courses, correspondence courses, televised courses, Internet courses or videotaped courses;

Authority: Tenn. Code Ann. § 62-2-203(d).

Subparagraph (d) of paragraph (2) of rule 0120-5-.06 Types of Acceptable Continuing Education is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (d) Attendance at in-house educational programs sponsored by corporations or other organizations;

Authority: Tenn. Code Ann. § 62-2-203(d).

Subparagraph (a) of paragraph (1) of rule 0120-5-.08 Exceptions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (a) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

Authority: Tenn. Code Ann. § 62-2-203(d).

Paragraph (2) of rule 0120-5-.10 Records is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (2) Required records include but are not limited to the following:
- (a) A log showing the type(s) of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, description of the activity and PDH credit(s) earned; and
- (b) A transcript or completion certificate or at least two (2) of the following

types of documentation: attendance verification records in the form of signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in responsible charge, or other documents supporting evidence of attendance.

Authority: Tenn. Code Ann. § 62-2-203(d).

#### Comments on Proposed Rules

The Board requests your feedback on the proposed amendments and additions to the rules. You may e-mail (Barbara.Bowling@state.tn.us) or write to Barbara Bowling, Executive Director, at the Board office prior to February 19, 2004. Ms. Bowling will distribute copies of your comments to each Board member prior to the rulemaking hearing. You are invited to offer comments on the proposals and attend the public hearing on February 19, 2004.

## Disciplinary Action... *cont.*

services may not be required); providing the engineering aspects of the building design; hiring their own contractor; and submitting the building plans to the appropriate reviewing authorities for issuance of approvals for construction and building permits. Additionally, not all copies of the architectural plans were sealed with the architect's seal, signature, or date of signature.

**DECISION:** The Board raised the following concerns: 1) in this type of arrangement, the architect rarely saw the site or dealt with members of the congregation for whom he's designing the church; 2) only three copies of the four sets of architectural plans were sealed; 3) there was no assurance that the plans would be submitted to the required codes enforcement officials for review; 4) there was the possibility of changes being made to the architectural plans by non design professionals that could affect critical life safety issues; and 5) that non-registrants could be providing engineering design for an assembly occupancy which always requires plans and specifications to be prepared by respective design professionals. It was the decision of the Board that this practice of offering architectural services was not in compliance with the law and rules. The company in question has submitted a letter of assurance to the Board that it will no longer market the service in Tennessee.

# NEWS FROM THE STATE FIRE MARSHAL'S OFFICE

## Occupancies Requiring State Review

The State Fire Marshal's Office Codes Enforcement Section is required to review, approve and inspect certain occupancies. The following rules became effective on August 26, 2001. In the past, there has been some confusion on what occupancies the State Fire Marshal's Office has the responsibility of reviewing, approving and inspecting. If the following occupancies meet the definition of construction per rule 0780-2-3-.01, plans must be submitted to the State. The following occupancies are based on the occupancy definitions found in the NFPA 101 Life Safety Code. The following is for new and existing buildings or areas within buildings:

- \* 1. All state owned and state leased facilities;
- \* 2. All education occupancies (K-12), public and private;
- \* 3. All day-care centers (including adult day-care);
- 4. All detention and correctional facilities;
- 5. All places of assembly having an aggregate capacity of 300 or more persons;
- 6. All business occupancies and residential occupancies three stories or more;
- 7. All two-story residential occupancies having twelve units or more;
- 8. All covered mall occupancies; and,
- 9. All high hazard industrial occupancies (H-1 and H-2 per SBC definition); and
- \* 10. All facilities requiring a State Fire Marshal inspection for initial licensure by another state department.

**NOTE: THOSE MARKED WITH ASTERISKS (\*) REQUIRE STATE REVIEW EVEN IN EXEMPT JURISDICTIONS.**

Construction is defined as the erection of a new building, an addition to an existing building, a change of occupancy, an alteration that alters the exit arrangement, fire resistive assemblies, or type of construction, or involves the installation of fire suppression or detection systems or

fuel fired equipment. (Excavation and site preparation are not included.)

**The following thirty-one (31) areas are authorized (by exemption) to perform independent plans review for items \*4 thru \*9 above:**

Alcoa, Athens, Bartlett, Brentwood, Bristol, Chattanooga, Clarksville, Collierville, Cookeville, Franklin, Gatlinburg, Goodlettsville, Hendersonville, Jackson, Johnson City, Kingsport, Knox County (Farragut not included), Knoxville, Lebanon, Madison County, Maryville, Memphis/Shelby County, Millington, Montgomery County, Murfreesboro, Nashville/Davidson County (Oak Hill, Belle Meade, Forest Hills, Berry Hill, & Lakewood not included), Oak Ridge, Paris, Pigeon Forge, Sevierville, Shelby, and White House. Please be advised that these thirty-one (31) areas which have obtained the exemption authorized by TCA 68-120-101(b)(2) may adopt in lieu of *The National Fire Codes* either the *Standard Fire*, *International Fire Code* or *NFPA 1*.

In order to obtain approval of your facility, you must submit the following information to the State Fire Marshal's Office (SFMO) at the address shown below:

1. Two sets of plans sealed by an architect or engineer registered in the State of Tennessee. Only one set of stamped specifications is required. The plans must be complete with site, architectural, structural, mechanical, plumbing, and electrical sections included. Construction documents must be developed utilizing the 1999 *Standard Building Code (SBC)*, the 2000 *National Fire Codes*, and either the 1991 *North Carolina Handicapped Code* with the 1996 *Revisions* or *Council of American Building Officials (CABO/ANSI A117-1-1992 American National Standard*.
2. A completed plans review submittal form (PRSF).
3. A certified review fee based on the estimated cost of construction must be submitted with plans and

specifications at the initial submission. Plans will not be reviewed until the fee is paid.

Copies of the State Fire Marshal's Rules and Regulations, correction lists for all occupancies, submittal forms, and various form letters are available upon written request to the SFMO.

State adopted codes may be purchased by calling:

1. NCHC-Jackie Grizzel at (919) 733-3901
2. IBC at 1-800-877-2224 or (205) 591-1853, and
3. NFPA 1-800-344-3555

The State Fire Marshal's Rules and Regulations prohibit the issuance of a building permit on any occupancy that would require our prior review and written approval of construction documents per Rule 0780-2-3-.07. Permits issued in violation of this rule must be immediately revoked and any construction must cease until approval is obtained from the SFMO. Construction cannot legally begin until plans have been reviewed and approved in writing by our office. Rule 0780-2-3-.10(1) prohibits occupancy of a structure requiring approval from the SFMO until a certificate of occupancy is issued.

If you need to contact us, we can be reached at the following address:

STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
STATE FIRE MARSHAL'S OFFICE  
CODES ENFORCEMENT SECTION  
500 James Robertson Parkway  
Third Floor, Davy Crockett Tower  
Nashville, Tennessee 37243-1162

Our telephone number is 615-741-7190 and the fax number is 615-253-3267 or 615-741-1583. The SFMO's website is <http://www.state.tn.us/commerce/sfm/>. The Fire Marshal's Office is planning on adopting updated codes in the future. At this time, there are ongoing studies as to which codes will be recommended for adoption. Once the adoption process is complete, all interested parties will be notified.



## NEWS FROM NCARB

### An ARE Evolution Is on Its Way!

The National Council of Architectural Registration Boards (NCARB) is pleased to announce coming improvements to the Architect Registration Examination, better known as the ARE. The first of these will be officially implemented in February 2004.

From consolidated content areas to revised testing times, ARE Version 3.0 incorporates a number of evolutionary improvements that were first identified in the Architectural Practice Analysis Study conducted during the year 2000. Most importantly, the Practice Analysis validated the format and content of the current exam. ARE Version 3.0 acts upon study recommendations that increase the exam's relevancy. While ARE Version 3.0 is not a major overhauling of the exam, it is an effort to include more recent topics while adjusting the emphasis of focus in other areas.

In order to eliminate redundancy, some ARE content areas are shifting; a few others are being strengthened; and a few new content areas are being introduced. What does this mean for ARE candidates? The most obvious changes are fewer questions in each multiple-choice division and the elimination of two graphic vignettes.

Here is a breakdown of some specific changes included in ARE Version 3.0:

#### Multiple Choice Divisions

- Reduction of the overall number of questions in each division.
- A better organized content outline for each division, with more consistent titles
- The reintroduction of questions about site design throughout several divisions
- Questions covering new content areas, including "green architecture," sustainability, and new material technologies
- Renaming the Materials & Methods division Building Design/Materials & Methods to better reflect its expanded scope
- Expansion of practice and project management portions of the Construction Documents & Services division
- A redesigned screen layout that anticipates new types of questions in the future

#### Graphic Divisions

- Elimination of the Site Section vignette from the Site Planning division
- Elimination of the Block Diagram vignette from the Building Planning division
- Standardizing the sequence of all three graphic divisions by implementing one mandatory 15-minute break between sections of each division

- Elimination of access to the Practice Program at Prometric test centers during the examination reduces the scheduled appointment time
- The Practice Program remains available for downloading from the NCARB web site

The newly revised and updated publication, ARE Guidelines, will provide additional details about changes to exam content and administration. Candidates may download the publication from the NCARB web site ([www.ncarb.org](http://www.ncarb.org)).

### Vance Travis Re-Elected to Board of Directors of NCARB

Former Board member and chair Vance Travis, AIA, was elected for a second term as Regional Director of the Council's Southern Conference (Region 3). His election to the 12-member Board was ratified at the annual meeting of NCARB in San Antonio, Texas. Mr. Travis served as Board Liaison to the Intern Development Program committee last year and will assist the Committee on Education this year. Prior to being elected to the Board, Travis served as Chair of the PDP (Professional Development Program) committee that is charged with developing monographs for continuing education. During his years of service with NCARB and the Region, Travis has been a writer, coordinator, and grader for the ARE (Architect Registration Exam).

## NEWS FROM NCEES

### NCEES Acts to Enhance Examination Security

The National Council of Examiners for Engineering and Surveying (NCEES) exams form an important rung on the licensure ladder. If that rung is broken—even just a few times during an administration—the public is endangered because the exams are used by registration boards to determine the technical competency of applicants. The strict enforcement of the exam policy regarding devices and materials that can be brought into the examination is considered by the NCEES Board of Directors to be vitally important to the security of NCEES exams and ultimately to the integrity of the registration process.

Beginning with the April 2004 examination administration, the NCEES will begin strictly enforcing materials prohibited in examination rooms. Calculators with communication or text editing capabilities will be banned from all NCEES exam sites. These include, but are not limited to, the following models:

- Hewlett Packard, HP 48GX (communicating and text editing)
- Hewlett Packard, HP 49G (text editing)
- Texas Instruments, TI-83 Plus and TI-83 Plus Silver Edition (text editing)
- Texas Instruments, TI-89 (text editing)
- Texas Instruments, TI-92 and Voyage 200 (text editing and QWERTY keypad)

Other calculators that are no longer available but have similar communication or text editing capabilities (such as the Texas Instruments, TI-85) will also be prohibited.

It has been determined that certain models of calculators might have been previously allowed in NCEES examination sites that provide communication capability through the use of infrared technology or through the use of cards that enable communication via radio transmission. In many cases, these models may also afford a text editing capability that enables the user to enter and store information in the calculator's memory.

Examples of acceptable calculators include the Texas Instruments TI-30 series and the Hewlett Packard HP-9 series, HP-32s, and HP-33s.

For further information, please see the Calculator Policy FAQs at <http://www.ncees.org/exams/calculators/>.

# NCARB Monograph Series

www.ncarb.org

Looking for a convenient, economical way to earn continuing education units in health, safety, and welfare? Interested in learning more about your profession? Then we've got the resource for you!

NCARB's monograph series explores topics as diverse as sustainable design, professional conduct, community planning, and building failure.

All monograph quizzes may be taken online, offering you immediate results as well as a certificate of completion if you pass. NCARB also reports your passing scores to the AIA at no additional cost.

With a price tag as low as \$12.50 per credit, NCARB monographs are a CE resource you can't afford to miss! Visit the NCARB web site (<http://www.ncarb.org/publications>) for more details about individual titles. Order an NCARB monograph today!

## DID YOU KNOW?

The original Act establishing the Board of Architectural and Engineering Examiners was enacted on April 9, 1921. At that time, the Board consisted of 3 architects and 3 engineers.

Tennessee will only send verifications of registration to other state boards; we do not send verifications to individual registrants. To request a verification of registration, please contact Frances Smith at the Board office. The Board does not charge a fee for verifications.

The Board recently conducted an e-mail survey in an effort to determine how many engineering registrants and firms are competent in and offer fire protection sprinkler system design services. If you are competent in and offer fire protection sprinkler system design services, and did not participate in the e-mail survey, please contact John Cothron at [john.cothron@state.tn.us](mailto:john.cothron@state.tn.us) to be added to the list. The list may also be obtained by contacting John Cothron, but it should not be construed as an official endorsement by the Board of the firms or registrants listed.

T.C.A. §62-2-107 prohibits governmental entities (state, counties, cities, towns or villages, etc.) from engaging in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, engineer or landscape architect. The exemptions to this requirement include those projects where the total cost does not exceed \$25,000, or that do not alter the structural, mechanical or electrical system of the project.

## FIRE SAFETY MONOGRAPH OFFERS TIMELY INFORMATION

Recent fire-related tragedies have reminded us of the importance of incorporating fire-safety into building design. NCARB's Fire Safety in Buildings monograph addresses the issue from three angles: preventing ignition, controlling the effects and spread of fire should one start, and protecting building occupants and contents. Cost of the monograph is \$135 for current NCARB Record holders and \$215 for non-NCARB Record holders. After successfully completing the online quiz, you can print a certificate of completion and will earn 10 professional development hours in health, safety and welfare.

## DEBUT OF NEW MONOGRAPH APPROACHING

Getting to Smart Growth, NCARB's 15th title in its health, safety and welfare-enriched monograph series, will make its debut in Winter 2003/2004. As the authors explain, "Smart growth encourages communities to determine how and where they want to grow." One hundred policies for implementing smart growth serve as the monograph's organizational backbone. These policies are divided among ten broad areas, including: mixing land uses; taking advantage of compact building design; creating a range of housing opportunities and choices; fostering distinctive, attractive communities with a strong sense of place; preserving open space, farmland, natural beauty, and critical environmental areas; strengthening and directing development toward existing communities; providing a variety of transportation choices; and encouraging community and stakeholder collaboration in development decisions.

## Tennessee Board of Architectural and Engineering Examiners

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<http://www.state.tn.us/commerce/boards/ae/index.html>

barbara.bowling@state.tn.us (e-mail)

615-741-3221 (Nashville)

1-800-256-5758 (toll free)

615-532-9410 (fax)

The Tennessee Department of Commerce and Insurance is committed to the principles of equal opportunity, equal access, and affirmative action. Contact the EEO Coordinator or ADA Coordinator at 615-741-0481, for TDD 615-741-7190.

Department of Commerce and Insurance Authorization No. 335192, 14,000 copies, December 2003. This public document was promulgated at a cost of 33¢ per copy.



The Board and Staff wish to extend our sympathies to the families and friends of these individuals who have honored their professions:

#### Architects

Doggett, John H., Jr., #8767  
 Faulk, J. Hays, #1312  
 Ferguson, James Robert, #7818  
 Pepperney, William R., #18885

#### Engineers

Alkire, Timothy I., #102814  
 Anderson, Ronald L., #103463  
 Bowers, William G., #5883  
 Burnell, Brian A., #20001  
 Chisolm, Charles S., #1504  
 Collier, James L., #10536  
 Colvin, Marshall L., #7797  
 Easter, Scott Edward, #100641  
 Florence, Robert H., Jr., #103992  
 Fortunato, Joseph W., #13264  
 Glazener, Norman J., #13055

Heid, John W., #18895  
 Hyberger, Samuel W., Sr., #6454  
 Purvis, Donald Lavelle, #103173  
 Reid, John A., #9072  
 Romei, Richard E., #21932  
 Savage, Harry C., III, #10277  
 Stier, Kenneth, Jr., #14881  
 Vining, Clarence W., #10778  
 Warren, Raymond M., Jr., #5175  
 Weigel, Blair, #1805  
 Wilber, Stephen C., Jr., #102791  
 Yen, Steven N., #15254

#### Registered Interior Designers

Russell, Sheila E., #740

If you have a name that should be recognized in this section, please contact the Board office.

## Tennessee Board of Architectural and Engineering Examiners Address Change Form



It's the rule ... if you move, you need to give the Board your new mailing address within 30 days. We would also appreciate knowing when you change employers. This is your personal responsibility and not your employer's. We know you want to receive your license renewal notices, newsletters, and other important communications promptly. If you have a change to report, please complete and return this form to the Board of Architectural and Engineering Examiners, 500 James Robertson Parkway, 3<sup>rd</sup> Floor, Nashville, TN 37243-1142. You may also submit address changes by e-mail; send them to Frances Smith at <frances.p.smith@state.tn.us>.

Please do **NOT** submit a change of address with payment of the professional privilege tax; the Department of Revenue does not forward these to the Board.

Name \_\_\_\_\_ Profession \_\_\_\_\_

Firm/Employer \_\_\_\_\_ Certificate # \_\_\_\_\_

Mailing Address (circle: home or work) \_\_\_\_\_

City, State, and ZIP \_\_\_\_\_

Phone Numbers (including area code) Home \_\_\_\_\_ Office \_\_\_\_\_

E-mail Address \_\_\_\_\_ Fax Number \_\_\_\_\_





Tennessee Board of Architectural & Engineering Examiners  
Department of Commerce and Insurance  
500 James Robertson Parkway, Third Floor  
Nashville, TN 37243-1142

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